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**FILED**

MAY 21 2007

RICHARD ... WICKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

**EDL**

12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,      }

CRIMINAL NO. 3:07-70296

14 Plaintiff,      }

15 v.      }

16 DENNIS CRAIG WY,      }

17 Defendant.      }

NOTICE OF PROCEEDINGS ON  
 OUT-OF-DISTRICT CRIMINAL  
 CHARGES PURSUANT TO RULES  
 5(c)(2) AND (3) OF THE FEDERAL  
 RULES OF CRIMINAL PROCEDURE

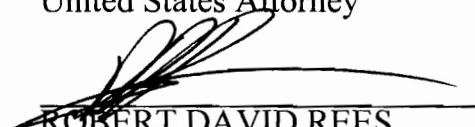
19 Please take notice pursuant to Rules 5(c)(2) and (3) of the Federal Rules of

20 Criminal Procedure that on May 18, 2007, the above-named defendant was arrested based  
 21 upon a warrant (attached) issued upon a violation of the conditions of pretrial release in a  
 22 criminal matter pending in the District of Oregon, Case Number CR 03-229 KI.

24 Respectfully Submitted,

25 SCOTT N. SCHOOLS  
 26 United States Attorney

27 Date: May 21, 2007  
 28

  
 ROBERT DAVID REES  
 Assistant United States Attorney

PS #9/03)

## UNITED STATES DISTRICT COURT

for

RECEIVED  
MAILING

DISTRICT OF OREGON

07/15/07-0 11:17:09

PORTLAND, OREGON

U.S.A. vs. Dennis Craig Wy

Docket No. CR 03-229 KJ

TO: any United States Marshal or any other authorized officer

WARRANT FOR ARREST OF DEFENDANT

You are hereby commanded to arrest the within-named defendant and bring him or her, forthwith, before the United States District Court to answer charges that he or she violated the conditions of his or her pretrial release imposed by the court.

NAME OF DEFENDANT	SEX	RACE	AGE
Dennis Craig Wy	M	W	43

ADDRESS (STREET, CITY, STATE)

The California Hotel  
924 Geary Blvd., Rm. 22  
San Francisco, CA 94109

TO BE BROUGHT BEFORE (NAME OF COURT, CITY, STATE)



United States District Court, Portland, Oregon

SHERYL S. McCONNELL

Rubia

05/08/07

CLERK

DEPUTY CLERK

DATE

RETURN

Warrant received and executed.

DATE RECEIVED

DATE EXECUTED

EXECUTING AGENCY (NAME AND ADDRESS)

NAME	(BY)	DATE

ORD PTS12DS (09/03) UNITED STATES GOVERNMENT

**DATE:** May 8, 2007 **MEMORANDUM**

**REPLY TO:** Kathleen Bustamante for Brian Crist  
**ATTN OF:** Deputy Chief U.S. Pretrial Services Officer

**SUBJECT:** Dennis Craig Wy **VIOLATION OF RELEASE CONDITIONS**  
CR 03-229 KI

**TO:** The Honorable Garr M. King, U.S. District Judge

On September 15, 2003 the above-named defendant was placed under pretrial supervision with conditions which include:

- Report as directed by the U.S. Pretrial Services office.
- Find and maintain gainful full-time employment, approved schooling or a full-time combination of both.
- Do not change place of residence without the prior approval of U.S. Pretrial Services.
- Surrender any passport or submit a statement that defendant no longer possesses a passport/or obtain no passport.
- Submit to search of person, place of residence and vehicle at the direction of U.S. Pretrial Services.
- Defendant shall not possess any explicit images portraying any adults or juveniles simulating or actually engaged in sexual acts.
- Upon direction of Pretrial Services, the defendant shall notify third parties of risk that may be occasioned by the defendant's criminal record or personal history and characteristics. This requirement will be exercised only when the pretrial officer believes a reasonably foreseeable risk exists.
- Defendant shall not possess a computer or access or use the internet without prior approval of U.S. Pretrial Services.
- Participate in sex offender evaluation within 30 days as directed by Pretrial Services and pay a percentage of the fee as determined by Pretrial Services.
- Travel is limited to the State of Oregon and Northern District of California unless prior approval is obtained from U.S. Pretrial Services.

It should be noted that on March 16, 2006, during a change of plea hearing, your Honor ordered an additional release condition directing the defendant to participate in a sex offender evaluation and counseling at the direction of U.S. Pretrial Services and pay a percentage of the fee as directed by U.S. Pretrial Services.

#### **Nature of Noncompliance**

On May 8, 2007, the defendant failed to appear at sentencing.

On May 7, 2007, U.S. Pretrial Services Officer Michelle Nero notified this office that the defendant violated his release conditions by failing to report to Pretrial Services as directed during the months of February, March, and April, 2007. Officer Nero indicates multiple attempts to contact the defendant by phone and during home visits were unsuccessful.

Officer Nero further reports the defendant failed to attend sex offender treatment as directed on January 11, February 1, March 1 and March 8, 2007. On March 15, 2007, treatment was terminated as a result of his poor attendance record.

It should be noted that on March 14, 2007, the defendant faxed Officer Nero a note from his doctor stating the defendant's ankle was fractured and he would be unable to work until April 19, 2007. The defendant also included in the fax a note indicating he would be unable to drive until April 19, 2007. There was no further contact with Pretrial Services.

**SUPERVISION PERFORMANCE:** The defendant's performance while on supervision can be categorized as poor. According to Officer Nero, the defendant is not serious about sex offender treatment and missed six appointments between November and December 2006 in addition to the appointments he missed between January

and March 2007. She states the defendant does not appear to be motivated to attend counseling and has not taken his conditions of pretrial release seriously.

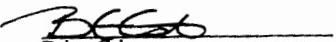
No additional court appearances have been scheduled at this time.

**RECOMMENDATION:** This office has submitted a Petition for Warrant. Upon arrest and initial appearance, it is recommended that the defendant's pretrial release be revoked, and the defendant be detained.

Respectfully submitted,

Kathleen Bustamante  
U.S. Pretrial Services Technician

Approved by,

  
\_\_\_\_\_  
Brian Crist  
Deputy Chief U.S. Pretrial Services Officer

# UNITED STATES DISTRICT COURT FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA

v.

Dennis Craig Wy

## ORDER SETTING CONDITIONS OF RELEASE

Case Number: CR 03-229 KI

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney *in writing* of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear on as directed by U.S. District Court.

### Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of dollars (\$) in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

### Additional Conditions of Release

- (6) Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

The defendant is placed in the custody of:

who agrees to: (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed:

Custodian or Proxy

## (7) The defendant shall:

- DW  (a) report as directed by the Pretrial Services Office.
- DW  (b) find and maintain gainful employment, approved schooling, or a combination of both.
- DW  (c) not change place of residence without the prior approval of Pretrial Services.
- DW  (d) limit travel to the State of Oregon unless prior approval is obtained from Pretrial Services.
- DW  (e) reside at a community corrections center until otherwise notified by Pretrial Services.
- DW  (f) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
- DW  (g) comply with the following curfew:
- DW  (h) neither own, possess, nor control any firearm (or any other specified weapon).
- DW  (i) refrain from the use, consumption or possession of any alcoholic beverages/controlled substance in any form, under any circumstances, unless with prior written approval of the Pretrial Services Officer or as may be lawfully prescribed in writing by a licensed physician or dentist. A copy of the original written prescription must be shown to the Pretrial Services Officer within 10 days after defendant receives the written prescription. Defendant must also provide the Pretrial Services Officer with a list of all medication, including over-the-counter, being taken that might produce a positive result on a urinalysis test.
- DW  (j) undergo psychiatric treatment and/or remain in an institution, and pay a percentage of the fee as determined by Pretrial Services.
- PW  (k) Participate in sex offender evaluation, <sup>within 30 days</sup> and counseling as directed by Pretrial Services and pay a percentage of the fee as determined by Pretrial Services.
- DW  (l) participate in an electronic monitoring program as directed by Pretrial Services and pay a percentage of the fee as determined by Pretrial Services.
- DW  (m) execute a bond or an agreement to forfeit upon failure to appear as required, and post with the court indicia of ownership of the following sum or designated property:
- DW  (n) execute a bail bond with solvent sureties in the amount of \$ \_\_\_\_\_. When the amount posted is in excess of \$10,000.00, the individual posting the money is required to provide the Clerk of Court with all information required by IRS form 8300 including their social security number or Tax ID number.
- DW  (o) surrender any passport to U.S. Pretrial Services or submit a statement that defendant no longer possesses a passport/or obtain no passport.
- PW  (p) submit to search of person, place of residence and vehicle at the direction of Pretrial Services.
- DW  (q) the defendant shall submit at any time to any body substance tests (including breath, blood and urinalysis testing) as may be requested by the Pretrial Services Officer and pay a percentage of the fee as determined by Pretrial Services.
- DW  (r) other: Defendant shall not possess any explicit images portraying any adults or juveniles simulating or actually engaged in sexual acts.
- PW  (s) Defendant shall not possess a computer or access or use the internet without prior approval of U.S. Pretrial Services.
- DW  (t) Upon the direction of U.S. Pretrial Services, the defendant shall notify third parties of risk that may be occasioned by the defendant's criminal record or personal history and characteristics. This requirement will be exercised only when the pretrial officer believes a reasonably foreseeable risk exists.

## **Advice of Penalties and Sanctions**

**TO THE DEFENDANT:**

**YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:**

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, and a \$250,000 fine or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine or both, to tamper with a witness, victim or informant, or to retaliate against a witness, victim or informant, or to threaten or attempt to do so.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for no more than ten years, or both;
  - (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for no more than five years, or both;
  - (3) any other felony, you shall be fined not more than \$250,000 or imprisoned no more than two years, or both;
  - (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both;

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear may result in the forfeiture of any bond posted.

### **Acknowledgement of Defendant**

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Craig W. Signature of Defendant

102Y = 8<sup>+</sup>H arc

RWC COLIF 94063 (50v) 957-7616

**Directions to the United States Marshal**

- ( ) The defendant is ORDERED released after processing.  
( ) The United States Marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant shall be produced before the duty Magistrate Judge on \_\_\_\_\_, 2003 at \_\_\_\_\_ m.

Date: September 15, 2003



Signature of Judicial Officer

Janice M. Stewart, U.S. Magistrate Judge

Name and Title of Judicial Officer

cc: Defendant  
US Attorney  
US Marshal  
Pretrial Services